

Town of Fairview

VARIANCE APPLICATION

To: Board of Adjustment
Town of Fairview

Application No. _____
Date Filed _____

THE UNDERSIGNED does (do) hereby respectfully request that a variance from the Zoning Ordinance of Town of Fairview, North Carolina, be granted, and in support of this application the following facts are shown:

1. The property affected by this application is owned by _____
_____ as evidence by deed from _____
recorded in Deed Book _____ at page _____ in _____
County Registry and in Tax Map Book # _____, Map # _____
and Parcel # _____ in the Tax Supervisor's Office of said County.

2. Said property is located on the _____ side of _____
(Street)
between _____ and _____
(Street) (Street)
in a _____ zone.

3. A complete legal description of said property is attached hereto.

4. This property is locally known as (street address or other identifier)

5. A sketch plot plan, drawn to scale, is attached showing property dimensions, boundaries, and existing and proposed buildings/additions; and illustrating the variance requested.

6. A map is attached clearly showing the subject property and all contiguous property on either side and all property across the street or public right-of-way from the subject property.

7. That the addresses and phone numbers of the owner and applicant (if different from the owner) are as follows:

OWNER Address _____
(Phone) _____

APPLICANT (Address) _____
(Phone) _____

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8. That the applicant's interest (ownership, buyer, etc.) is as follows:

9. The following are all of the individuals, firms or corporations owning land adjacent to both sides, the rear, and the property in front of (across the street from) the property affected by this application:

NAME	TAXING COUNTY BOOK/MAP/PARCEL #	ADDRESS
		(As shown on Latest Tax Listing)

(Use additional sheets of paper if necessary and look up the names in the office of the appropriate County Tax Office, if unknown.)

10. If the variance is granted, it is proposed that the property will be put to the following use:

11. The following type improvements have been (will be) constructed thereon:

12. The erection of said improvements has resulted (will result) in a violation of the Zoning Ordinance of the Town of Fairview, North Carolina, in this respect (especially describe the exact nature of the variance requested making references to applicable section of the Zoning Ordinance):

13. Establishment of hardship and factors relevant to the issuance of a variance:

The Board of adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Zoning Enabling Act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserved its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation “practical difficulties or unnecessary hardships” exist. State facts and arguments in support of each of the following:

- (1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return form, or make no reasonable use of, his property. [It is not sufficient that failure to grant the variance simply makes the property less valuable.]

- (2) That the hardship results from the application of the ordinance:

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- (3) The hardship of which the applicant complains results from unique circumstances related to the applicant's land and that the hardship is suffered by the property. [Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance is, granted, runs with the land.]
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- (4) The hardship is not the result of the applicant's own actions.
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- b. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)
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- c. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

SIGNATURE OF APPLICANT

NOTE: All applications for variances must be submitted to the Zoning Administrator not later than twenty-one (21) days prior to the date of the meeting at which the application is to be heard.

Application Processing Fee: Attach check made payable to *Town of Fairview* in the amount of \$200.00. Mail application/check to: Town of Fairview 7400 Concord Highway Monroe NC 28110 Attn: Ed Humphries

Note to Applicant: Section 11.3.1 of the Zoning Ordinance provides the following:

Under no circumstances shall the Board of Adjustment grant a variance to allow a use of land or structure not permitted under the terms of this ordinance in the district involved or for a use expressly, or by inference, prohibited in said district. No variance shall be granted by the Board of Adjustment of the following:

- (a) Setbacks for signs and areas of signs.
- (b) Setbacks for Essential Services – Class III.

No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback by more than 50%.